

Serial No.: 10/053,465
Art Unit: 2622

REMARKS

This is a full and timely response to the outstanding final Office Action mailed September 8, 2005. Reconsideration and allowance of the application and presently pending claims 1, 4, 7-8, 10-11, 16, 18-20, 24-26, and 28 are respectfully requested.

1. Response to Claim Objection

Claim 3 was objected to in the present office action. However, claim 3 has been canceled, and therefore the objection is rendered moot.

2. Response to Rejection of Claims 1, 3-5, 7-8, 11-13, 15, 18, 20, 22, and 24-26 Under 35 U.S.C. §103(a)

In the Office Action, claims 1, 3-5, 7-8, 11-13, 15, 18, 20, 22, and 24-26 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Anderson* (U.S. Patent 6,249,316) in view of *Capps* (U.S. Patent 5,596,694). It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, e.g., *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claim 1

As provided in independent claim 1, Applicants claim:

A digital camera, comprising:
a photoelement array for capturing image data;
a memory for saving said image data;
a processor in communication with said memory;
a display in communication with said processor for exhibiting said image data; and
program code stored in said memory and executed by said processor, said program code comprising a delete page module for purging said image data from said memory, said program code further comprising a first code segment for displaying an animation on said display, wherein said animation is a metaphor for an irreversible deletion of said image data from said memory, *said first code segment further comprising a code segment for displaying a delete confirmation prompt on said display, said delete confirmation prompt including a display of a percentage of said memory to be made available on said display when said image data is purged from said memory.*

Serial No.: 10/053,465
Art Unit: 2622

(Emphasis added).

In the present response, claim 1 has been amended to include the features of claims 3 and 9, and claims 3 and 9 have been canceled. The outstanding office action acknowledges that *Anderson* in view of *Capps* is legally inadequate to anticipate the features of claim 1, as amended. Therefore, the rejection of claim 1 under 35 U.S.C. §102(e) should be withdrawn, for at least this reason.

Further, Applicants respectfully submit that the cited art references, in their entirety, do not disclose all of the features of claim 1, as amended. For example, the Office Action alleges that *Aruga* (U.S. Patent 6,429,896) discloses the feature of a "first code segment further comprising a code segment for displaying a delete confirmation prompt on said display, said delete confirmation prompt including a display of a percentage of said memory to be made available on said display when said image data is purged from said memory." Applicants respectfully submit that *Aruga* fails to teach or suggest at least this feature.

For example, *Aruga* discloses a separate "external storage device" that may be connected to, but is not part of, a digital camera. Further, *Aruga* teaches that a control section 27a of an external storage device "causes the display 4 to show information about thus detected available space on the memory card 5 in terms of percent as depicted by an indicator 4b of FIG. 4." As such, *Aruga* fails to teach or suggest "displaying a delete confirmation prompt on said display, said delete confirmation prompt including a display of a percentage of said memory to be made available on said display when said image data is purged from said memory." Rather, *Aruga* shows the portion of available memory on a memory card and does not show the amount of memory to be freed up by a deletion operation. Further, *Aruga* does not display the percentage of information that is to be made available in a confirmation prompt for confirming the deletion operation.

For at least these reasons, claim 1 is allowable over the cited art. Accordingly, the rejection to claim 1 should be withdrawn.

b. Claims 4 and 7-8

Because independent claim 1 is allowable over the cited art of record, dependent claims 4 and 7-8 (which depend from independent claim 1) are allowable

Serial No.: 10/053,465
Art Unit: 2622

as a matter of law for at least the reason that the dependent claims contain all the elements and features of independent claim 1. For at least this reason, the rejections of claims 4 and 7-8 should be withdrawn.

c. Claim 11

As provided in independent claim 11, Applicants claim:

A digital camera, comprising:
capturing means for acquiring image data;
storage means for saving said image data;
processing means in communication with said storage means;
display means in communication with said processing means
for exhibiting said image data; and
program code stored in said storage means and executed by
said processing means, said program code comprising:
a delete page module for purging said image data from said
storage means, said delete page module comprising:
a first code segment for displaying an animation on said
display, wherein said animation is a metaphor for an irreversible
deletion of said image data from said storage means; and
***a second code segment for displaying a delete confirmation
prompt on said display, said delete confirmation prompt including a
display of a percentage of said memory to be made available on said
display when said image data is purged from said memory; and***
a menu module for displaying valid appliance operations on
said display based on a current state and processing any response
thereto

(Emphasis added).

Further, Applicants respectfully submit that the cited art references, in their entirety, do not disclose all of the features of claim 11, as presented. For example, the Office Action alleges that *Aruga* discloses "displaying a delete confirmation prompt on said display, said delete confirmation prompt including a display of a percentage of said memory to be made available on said display when said image data is purged from said memory." Applicants respectfully submit that *Aruga* clearly fails to teach or suggest at least this feature.

In particular, *Aruga* discloses a separate "external storage device" that may be connected to, but is not part of, a digital camera. Further, *Aruga* teaches that a control section 27a of an external storage device "causes the display 4 to show information about thus detected available space on the memory card 5 in terms of percent as

Serial No.: 10/053,465

Art Unit: 2622

depicted by an indicator 4b of FIG. 4." As such, *Aruga* fails to teach or suggest "displaying a delete confirmation prompt on said display, said delete confirmation prompt including a display of a percentage of said memory to be made available on said display when said image data is purged from said memory." Rather, *Aruga* shows the portion of available memory on a memory card and does not show the amount of memory to be freed up by a deletion operation. Further, *Aruga* does not display the percentage of information that is to be made available in a confirmation prompt for confirming the deletion operation.

For at least the reasons set forth above, claim 11 is allowable over the cited art, and the rejection of claim 11 should be withdrawn.

d. Claim 18

Because independent claim 11 is allowable over the cited art of record, dependent claim 18 (which depends from independent claim 11) is allowable as a matter of law for at least the reason that the dependent claim contains all the elements and features of independent claim 11. For at least this reason, the rejections of claims 18 should be withdrawn.

e. Claim 20

As provided in independent claim 20, Applicants claim:

A method for purging image data from a digital camera, comprising the steps of:

capturing image data on a photoelement array in the digital camera;

saving the image data in a memory;

implementing a processor to communicate with said memory;

exhibiting the image data on a display in communication with the processor;

executing program code stored in said memory by the processor, wherein the program code operates to purge the image data from the memory;

displaying an animation on the display corresponding to a delete function, wherein the animation is a metaphor for an irreversible deletion of the image data from the memory;

***displaying a delete confirmation prompt on the display; and
displaying a percentage of said memory to be made available
on the display when the image data is purged from said memory.***

(Emphasis added).

Serial No.: 10/053,465
Art Unit: 2622

Further, Applicants respectfully submit that the cited art references, in their entirety, do not disclose all of the features of claim 20, as presented. For example, the Office Action alleges that *Aruga* discloses "displaying a delete confirmation prompt on said display, said delete confirmation prompt including a display of a percentage of said memory to be made available on said display when said image data is purged from said memory." Applicants respectfully submit that *Aruga* clearly fails to teach or suggest at least this feature.

In particular, *Aruga* discloses a separate "external storage device" that may be connected to, but is not part of, a digital camera. Further, *Aruga* teaches that a control section 27a of an external storage device "causes the display 4 to show information about thus detected available space on the memory card 5 in terms of percent as depicted by an indicator 4b of FIG. 4." As such, *Aruga* fails to teach or suggest "displaying a delete confirmation prompt on the display; and displaying a percentage of said memory to be made available on the display when the image data is purged from said memory." Rather, *Aruga* shows the portion of currently available memory on a memory card and does not show the amount of memory to be freed up by a deletion operation. Further, *Aruga* does not display this percentage information and also provide a user a confirmation prompt to confirm a deletion operation.

For at least the reasons set forth above, claim 20 is allowable over the cited art, and the rejection of claim 20 should be withdrawn.

f. Claims 24 and 25-26

Because independent claim 20 is allowable over the cited art of record, dependent claims 24 and 25-26 (which depend from independent claim 20) are allowable as a matter of law for at least the reason that dependent claims contain all the steps and features of independent claim 20. For at least this reason, the rejection of claims 24 and 25-26 should be withdrawn.

g. Claims 3, 5, 12-13, 15, and 22

Without addressing the validity of the rejections, claims 3, 5, 12-13, 15, and 22 have been cancelled without prejudice, waiver, or disclaimer, and therefore the rejections have been rendered moot. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims

Serial No.: 10/053,465
Art Unit: 2622

in the present application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

3. Response to Rejection of Claims 9, 16, and 27 Under 35 U.S.C. §103(a)

In the Office Action, claims 9, 16, and 27 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Anderson* in view of *Capps* in further view of *Aruga*.

Because independent claim 11 is allowable over the cited art of record, dependent claims 16 (which depends from independent claim 11) is allowable as a matter of law for at least the reason that the dependent claim contains all the elements and features of independent claim 11. For at least this reason, the rejection of claim 16 should be withdrawn. Additionally and notwithstanding the foregoing reasons for allowability of claim 16, this claim recite further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the cited art of record. Accordingly, the rejection to this claim should be withdrawn.

Without addressing the validity of the rejections, claims 9 and 27 have been cancelled without prejudice, waiver, or disclaimer, and therefore the rejections have been rendered moot. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

4. Response to Rejection of Claims 10, 19, and 28 Under 35 U.S.C. §103(a)

In the Office Action, claims 10, 19, and 28 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Anderson* in view of *Parulski* (U.S. Patent No. 5,666,159).

Because independent claims 1, 11, and 20 are allowable over the cited art of record, respective dependent claims 10, 19, and 28 (which depend from independent claims 1, 11, and 20) are allowable as a matter of law for at least the reason that the respective dependent claims contain all the steps and features of independent claims 1,

Serial No.: 10/053,465
Art Unit: 2622

11, and 20. For at least this reason, the rejection of claims 10, 19, and 28 should be withdrawn. For at least this reason, the rejections to these claims should be withdrawn.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,


Charles W. Griggers
Reg. No. 47,283